

file: leaks

ASSOCIATED PRESS

29 May 1986

CIA AND NSA CHIEFS APPEAL FOR MEDIA COOPERATION IN KEEPING SPY SECRETS
BY MICHAEL J. SNIFFEN
WASHINGTON

The directors of the CIA and the National Security Agency shifted gears Thursday and appealed for news organizations to cooperate in efforts to stem intelligence leaks they claim have cost both human lives and billions of taxpayer dollars.

CIA Director William Casey and NSA chief Lt. Gen. William Odom, in a unique joint interview at CIA headquarters, played down their recent threats of criminal prosecution against news organizations and even backed slightly off a warning they had issued only the night before to reporters covering the espionage trial of former NSA communications expert Ronald Pelton.

Casey, Odom and Casey's deputy Robert M. Gates agreed to the interview with The Associated Press, in Gates' words, "to lower the noise level, turn down the volume and have a serious dialogue." "We haven't made ourselves always as clear as we might be," Casey said. "And I think that certainly the press has been very hysterical about the thing, saying we're trying to tear up the First Amendment and scuttle the freedom of the press. We're not trying to do that." The intelligence officials appealed to reporters working on stories which involve intelligence-gathering techniques to call the CIA for guidance on which details might risk lives or compromise expensive information-gathering equipment.

"We're saying that you can write about the whole range of national security issues without revealing unique, fragile national intelligence sources," Gates said.

Casey added, "We will work with you on that line. I wish you'd make clear the narrow line we're treading here and the sensitivity we have to the broader rights and needs and contributions of the press." Casey and Odom said they were led to take their extraordinary actions of the last several weeks because, Odom said, "A series of recent signals intelligence leaks over the last six months is the most serious we can remember in a long, long time." Casey added, "Every method we have of obtaining intelligence: our agents, our relationships with other intelligence services, our photographic, our electronic, our communications capabilities have been damaged. Everyone of them has been severely damaged by disclosures of sensitive information that lets our adversaries defeat those capabilities and to literally take them away from us.

"This is costing the taxpayers billions and billions of dollars and, more importantly, Americans' and our national security are at risk. We can't permit this to continue. To do so would undercut our national security severely, our personal safety, hopes for arms control and our efforts to establish and maintain peace around the world." Casey and Gates both said there were agents who had not been heard from after disclosures in this country. They declined to provide details.

The interview came as administration sources, insisting on anonymity, described the Justice Department as extremely reluctant to comply with Casey's recent request that NBC News be prosecuted for reporting that Pelton told the Soviet Union about an expensive technical method of eavesdropping involving the use of American submarines.

Continued

Although Odom presented a legal memorandum arguing that news organizations could be prosecuted under a 1950 statute for publishing material about U.S. communications intelligence, the Justice Department has used the law only against government employees who spied and never against a news organization.

The Justice Department sources said that although the law might apply in some circumstances to news organizations, the Justice Department believed that it would be very difficult to win a conviction of such a defendant.

Odom said he would recommend prosecution of journalists with "the greatest reluctance" and that the combination of the law and his oath to protect intelligence sources presented him with "a very uncomfortable dilemma." A day earlier, Casey and Odom had cautioned reporters at the Pelton trial in Baltimore "against speculation and reporting details beyond the information actually released at trial." Legal experts, inside and outside the government, quickly pointed out that the government had no power to regulate "speculation" by news organizations.

Although they complained about the criticism of their statement, both Casey and Odom tempered the remarks a bit on Thursday.

"If I had it to do over again, I might not use that word," Casey said. "I might use extrapolation." Odom added, "There's nothing in there that says we're going to try to prosecute anybody based on speculation." They were asked why in the Pelton trial the government is attempting to protect information that is widely known to U.S. reporters and widely believed to be known to the Soviet Union - such as the wiretapping by U.S. agents of telephones at the Soviet Embassy here.

Gates responded: "How does any member of the press know what the Russians know? Does anyone in the media have any penetrations of the (Soviet) KGB (spy agency)? And they don't know the degree to which the information they provide amplifies on what a spy may have given, confirms what a spy may have given or updates what a spy has given up." Odom added that the government was faced with the danger of giving up seemingly innocuous pieces of information "fact by fact until you cross through the line without every knowing it, and the accumulation of facts adds up to a new body of information." He said, however, that he had a responsibility not to clarify in public, as opposed to within the administration or in secret testimony to Congress, how that process may have occurred with past leaks.

And the officials were reluctant to provide publicly what Casey said were "dozens even hundreds of examples of damage from leaks." He did say that after news organizations reported about U.S. eavesdropping on a communication line in Beirut "that traffic stopped, undermining our ability to deter future attacks, which did occur." Casey said providing examples was very difficult because it tended to confirm information for adversaries. He acknowledged, however, that any trial of a news organization would likely provide similar confirmation.

Thus, he said, a decision to go to trial would involve a difficult balancing of competing interests.

The officials said they also were attempting to curb leakers inside the government. Among the actions they said were being debated were a greater use of polygraphs in leak investigations and a more active effort in such probes by the FBI.

Continued

3.

Casey laid the blame for increased leaks on "a breakdown in discipline in the government primarily." He said this coincides with a rise in "the tempo of threats in this terrorist rampage." Nevertheless, Casey acknowledged that every U.S. intelligence agency he is familiar with as Director of Central Intelligence is behind schedule on reinvestigating its employees for security risks. "It takes a long time to catch up," he said.

ASSOCIATED PRESS
30 May 1986

CASEY ACKNOWLEDGES BACKLOG IN SECURITY RECHECKS FOR INTELLIGENCE WORKERS
BY MICHAEL J. SNIFFEN
WASHINGTON

CIA Director William Casey acknowledges that, despite rising concern over intelligence leaks, every U.S. intelligence agency he oversees is behind schedule in reinvestigating its employees for security risks.

Casey blamed a recent spate of intelligence leaks on "a breakdown in discipline in the government, primarily." But he said to solve the problem officials need for news organizations to exercise restraint in publishing secrets leaked to them, while the government tries to get its own house in order.

Casey spoke with The Associated Press in a unique joint interview at CIA headquarters on Thursday. Appearing with him were Lt. Gen. William Odom, director of the National Security Agency, and CIA Deputy Director Robert M. Gates.

During the interview, the officials played down their recent threats of criminal prosecution against news organizations which print secrets about the gathering of communications intelligence and even backed off slightly from a warning they had issued only the night before to reporters covering the espionage trial of former NSA communications expert Ronald Pelton.

Casey said, "We recognize that the first line of defense is to increase discipline within government itself, to control the flow of sensitive information within the government." He was asked whether the U.S. intelligence agencies he supervises as director of central intelligence, which includes virtually all of them, were years behind schedule in conducting routine new polygraph tests and background checks of their employees.

"I think they're behind schedule, yeah. But it varies how far," Casey said.

Odom responded: "That's the kind of question I don't want to pursue." Last year, the government admitted in federal court that Larry Wu-tai Chin, a Chinese communist spy inside CIA for three decades, had taken only one polygraph test after he was employed, although CIA tries to redo them every five years. Chin passed the test, even though he had amassed extensive personal holdings that could have been picked up by a reinvestigation.

Nevertheless, Casey said, "We're adding resources right along. It's a long process. You've got to train polygraphers." The Pentagon, which trains the largest number of government polygraph operators, has testified that it can only manage to conduct 3,500 additional tests each year. There are 4.3 million federal employees with access to classified information.

"It's not something we can do overnight," Gates said. "But efforts are under way." Casey said he and Odom had taken extraordinary steps in the last several weeks to dissuade news organizations from publishing intelligence secrets because: "Every method we have of obtaining intelligence — our agents, our relationships with other intelligence services, our photographic, our electronic, our communications capabilities — have been damaged. Everyone of them has been severely damaged by disclosures of sensitive information that lets our adversaries defeat those capabilities and to literally take them away from us."

Continued

"This is costing the taxpayers billions and billions of dollars and, more importantly, Americans' and our national security are at risk." Casey and Gates both said there were agents who had not been heard from after their intelligence-gathering operations had been disclosed in this country. They declined to provide details.

Complaining that news organizations had unfairly accused the government of trying to restrict freedom of the press, Gates described what the intelligence officials were seeking.

"What we're after is ... an acceptance of the notion that the media does have a responsibility to the country to be careful about these kinds of things.

"And second, to convey to you all that when you hear these things which we are trying to stop coming out of the government ... that you be willing to consult with us. Hopefully if it is a serious problem we can persuade you not to use it at all. But if you insist on going ahead ... to try to develop a way of conveying what you want to say that minimizes the damage and the risk to our sources." The interview came as administration sources, insisting on anonymity, described the Justice Department as extremely reluctant to comply with Casey's recent request that NBC News be prosecuted for reporting that Pelton told the Soviet Union about an expensive technical method of eavesdropping involving the use of American submarines.

The Justice Department has used the law only against government employees who spied and never against a news organization, and the sources said Justice believed it would be very difficult to convict a news organization.

A day earlier, Casey and Odom had cautioned reporters at the Pelton trial in Baltimore "against speculation and reporting details beyond the information actually released at trial." Legal experts inside and outside the government quickly pointed out that the government had no power to regulate "speculation" by news organizations.

Although they complained about the criticism of their statement, both Casey and Odom tempered the remarks a bit on Thursday.

"If I had it to do over again, I might not use that word," Casey said. "I might use 'extrapolation.'" Odom added, "There's nothing in there that says we're going to try to prosecute anybody based on speculation." White House spokesman Edward Djerejian told reporters today, "Speculation is a very loose term and in no way do we mean to imply by the use of speculation prior press censorship or in any way infringing on the freedom of the press to report information and events. I do agree that a better word than speculation could have been found." Casey and Odom were asked why in the Pelton trial the government is attempting to protect information that is widely known to U.S. reporters and widely believed to be known to the Soviet Union - such as the wiretapping by U.S. agents of telephones at the Soviet Embassy here.

Odom said the government was faced with the danger of giving up a series of seemingly innocuous pieces of information "fact by fact until you cross through the line without ever knowing it, and the accumulation of facts adds up to a new body of information."

ASSOCIATED PRESS

2 June 1986

SPY CHIEFS DESCRIBE DANGER IN REPORTING SECRETS OBTAINED BY SOVIETS
BY MICHAEL J. SNIFFEN
WASHINGTON

The nation's intelligence chiefs are trying to prevent news reporting of some secrets already obtained by the Soviet Union, because it might corroborate data from spies the Soviets mistrusted and also tip off less sophisticated adversaries.

And they worry that if they confirm seemingly harmless intelligence secrets, known to many reporters and scholars as well as the Soviets, they will over time unwittingly provide enough small items so a foreign spy can discover or infer a larger, truly damaging secret.

These points were made this past week by chiefs of the CIA and the National Security Agency in an interview with The Associated Press and by a federal prosecutor in Baltimore where former NSA communications expert Ronald W. Pelton is on trial for selling the Soviets his knowledge of how the United States monitors their communications.

Their explanations followed days of jawboning and threats of criminal prosecution directed by CIA Director William J. Casey and NSA Director Lt. Gen. William E. Odom at news organizations in an effort to prevent publication or broadcast of stories describing the secrets Pelton is charged with betraying.

In the interview, Deputy CIA Director Robert M. Gates said, "The line we hear most is: 'You guys are just trying to keep from Americans what the Russians already know.' How does any member of the press know what the Russians know? Does anyone in the media have any penetrations of the KGB?"

"People in the press don't know the degree to which the information they provide amplifies on what a spy may have given, confirms what a spy may have given or updates what a spy has given," Gates added.

"Whether you're a Soviet or an American intelligence officer, you often won't take at face value what you hear from a single source, and so when you see it confirmed what a single agent has reported, it obviously has added confidence to what you have learned." At the Baltimore trial, prosecutors introduced transcripts of telephone calls they said Pelton made to Vitaly Yurchenko, identified by the CIA as security chief at the Soviet Embassy here at that time. Yurchenko was the Soviet KGB officer who defected last year but returned to the Soviets three months later.

The prosecutors deleted lines they said could identify where wiretaps were placed. Yet, the transcripts revealed that Pelton called from two places outside the embassy, and they left no real doubt that the U.S. government wiretaps telephone lines into the Soviet compound, which has been reported in news stories and books in this country for years.

The prosecutors also showed the jury but sealed from the press and public a map on which they said Pelton marked for FBI agents the location he supplied to the Soviets of a U.S. listening device.

Continued

2.

The Washington Post quoted U.S. sources as saying the location is in the Sea of Okhotsk off Siberia. The Post sources added that U.S. submarines put the device there and that U.S. officials believe the Soviets have found it. Among many books and articles on this spy program, The New York Times reported in 1975 that U.S. submarines tapped undersea military cables off the Soviet coast.

The officials were asked why the location of the wiretaps and map could not be reported in view of evidence that the Soviets already have the data. They would not respond to the specific examples, but answered in general terms.

One of Casey's top aides, George Lauder, responded, "The Soviets aren't our only adversary, and we might want to use some of this very expensive equipment in areas where the targets have far less knowledge and fewer resources to counter it." In Baltimore, prosecutor John Douglass said some details were withheld because other unfriendly nations besides the Soviet Union "have a very keen interest in the same kind of information." In the interview, the NSA's Odom said: "If I respond to your arguments and say, 'Yes, this little fact by itself is harmless to publish,' and the next little fact is harmless to publish, somewhere down the road ... the accumulation adds up to a rather considerable body of new information which was not in our interest to have out." He said even U.S. intelligence experts could release "fact by fact the elements of a case and cross right through the line of where you greatly expand the area of information without ever having realized that. ... And when you talk to a source, you draw him across a line he didn't intend to go across." Despite their remarks, the U.S. government has regularly argued in Freedom of Information court cases that news stories based on sources are rumor and speculation and provide no confirmation of government secrets.

In light of this position, they were asked why they chose to point out certain stories in public for possible prosecution or warnings when their own actions might tend to confirm the stories.

"We have to balance out the risks," Odom replied.

Casey added, "Every time we talk to a media person we have that judgment to make. There's a certain confirmation we'd rather not make, but if the damage is severe and the prospect is that the story's going to come out, we take a shot at it. Sometimes, it's a very close call." Gates added that despite their public silence on some of these questions, the intelligence officials were willing to explain their decisions to the president and congressional oversight committees so "we are held accountable for those judgments."